

REMARKS

Applicants have amended claim 7 such that it recites:

A method of producing a polypeptide, comprising incubating a host cell comprising a nucleic acid encoding the Par-4 protein fragment of claim 1 in operable linkage with a promoter under conditions that permit expression of the Par-4 protein fragment.

Support for this amendment is found e.g. in paragraph [0014].

Applicants have amended claim 24 to recite:

A pharmaceutical composition for the treatment of cancer, comprising an isolated and purified ~~modified~~ Par-4 protein selected from the group consisting of amino acids 1-204, 137-221, 137-213, 137-198 and 137-195 of the Par-4 protein (SEQ ID NO: 1), and a pharmaceutically acceptable diluent, carrier or excipient.

Claims 7 and 24 stand rejected under 35 U.S.C. § 112, first paragraph for purportedly failing to comply with the written description rejection. Although Applicants disagree, Applicants have amended the claims to more clearly describe the invention.

Applicants have amended claim 7 such that the nucleic acid molecule is in operable linkage with a promoter. Support for this amendment is found e.g. in paragraph [0014].

Applicants have amended claim 24 to recite

“an isolated and purified ~~modified~~ Par-4 protein selected from the group consisting of amino acids 1-204, 137-221, 137-213, 137-198 and 137-195 of the Par-4 protein (SEQ ID NO: 1), and a pharmaceutically acceptable diluent, carrier or excipient”

Support for this amendment is found e.g. in paragraph [0013] wherein Applicants state "The modified Par-4 is preferably 1-204, 137-221, 137-213, 137-198 or 137-195."

The foregoing remarks demonstrate that the current claims are fully supported by the application and Applicants request that the Office reconsider and withdraw the rejection of the claims under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement.

Claim 7 stands rejected under 35 U.S.C. § 112, first paragraph for purportedly failing to comply with the enablement requirement. Applicants disagree.

Applicants have amended claim 7 to make clear that the nucleic acid molecule is in operable linkage with a promoter. Support for this amendment is found e.g. in paragraph [0013]. Promoters and methods for linking a nucleic acid molecule to a promoter of choice are well-known and used routinely in the art. Applicants have provided examples of such promoters and methods in the specification, see e.g., paragraph [0073] and the Examples. Thus one of skill in the art could readily make and use the invention as claimed.

In view of the amendments to the claims and the foregoing remarks, Applicants request that the Office reconsider and withdraw the rejection of claim 7 under 35 U.S.C. § 112, first paragraph for lack of enablement.

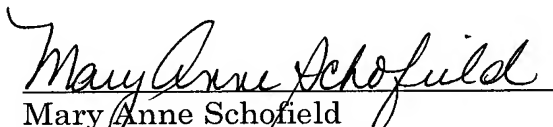
If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 104072.B000118).

Respectfully submitted,

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